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PP RUEHDE RUEHDH RUEHDIR
DE RUEHKU #0354/01 1021441
ZNR UUUUU ZZH
P 121441Z APR 09
FM AMEMBASSY KUWAIT
TO RUEHC/SECSTATE WASHDC PRIORITY 3166
INFO RUEHZM/GULF COOPERATION COUNCIL COLLECTIVE PRIORITY
RUEHGB/AMEMBASSY BAGHDAD PRIORITY 1407
RHEHNSC/NSC WASHDC PRIORITY

UNCLAS SECTION 01 OF 02 KUWAIT 000354

SIPDIS

NEA/ARP, NEA/I, OSD-DPMO FOR COL D. ELLIS, J. BASHAM

E.O. 12958: N/A
TAGS: [PREL](#) [PHUM](#) [MARR](#) [IZ](#) [SA](#) [KU](#)
SUBJECT: EMBASSY INITIATIVE TO LOCATE IRAQI KIA
REINVIGORATES TRIPARTITE COMMISSION

REF: 2008 KUWAIT 1160

Summary

1. An Embassy-prompted multilateral effort to locate potential burial sites in Kuwait of Iraqi Gulf War killed in action (KIA) sparked hopes of excavation activity and produced the sole deliverable from the March 31 Technical Subcommittee (TSC) meeting of the Tripartite Commission. The TSC was marred by ICRC and Kuwaiti complaints over continued Iraqi government failure to fulfill its commitments to the TSC to locate the remains of Kuwaitis buried in Iraq. The Kuwaiti delegation will likely pursue further excavation of the identified sites in hopes of encouraging the Iraqis to ramp up their own efforts to locate missing Kuwaitis. End summary.

TSC Members Conduct Search for Iraqi Remains

2. Kuwait ICRC Regional Delegate Jean-Michel Monod accompanied teams from the US and UK Embassies and representatives from the Kuwaiti National Committee for Missing and POW Affairs (NCMPA) in an embassy-led March 30 desert search for potential burial sites of Iraqi soldiers presumed killed in action during the 1991 retreat to Iraq. Post initiated and organized the survey and also provided staff to assist in interpreting data and grid coordinates from 1991 British burial reports. The search members located and marked three sites believed to have a high probability of containing human remains -- with a potential yield of nine bodies. Overall, according to the 1991 British burial reports, some 47 Iraqis were hastily buried in northern Kuwait along the so-called "highway of death." (Note: Post initiated this endeavor to quell Kuwaiti and ICRC laments noted reftel about the lack of progress in repatriating remains of those still missing -- notably Kuwaitis -- since 1991. While our effort offers the possibility of locating at least some Iraqi remains, the fact that much of the data on the photocopied reports is illegible, incomplete, or refers to landmarks no longer present proves a serious constraint. End note).

NCMPA Commits to Excavation for Remains

3. This embassy-initiated effort had the full support of the ICRC and provided a shot in the arm to the subsequent March 31 Tripartite Commission's (TC) Technical Subcommittee (TSC) meeting, in which the NCMPA -- part of the Kuwaiti TSC delegation -- enthusiastically committed to following through with forensic examinations of the sites marked by emboffs. Though it provided no timeframe for steps ahead, NCMPA immediately signalled its intention to work through the Kuwaiti MOI to obtain legal rights to begin site excavation.

(Note: We believe the NCMPA will move quickly on examining at least two of the more promising sites in order to be able to show progress at the next scheduled TSC on June 1, 2009. End note).

TSC Frustrated Over Lack of Iraqi Progress -----

¶4. While the reaction to our effort was well received by all present, the NCMPA's commitment to excavate these sites offered the only positive deliverable at the March 31 TSC. As occurred at the TC held in November (reftel), ICRC and NCMPA chastised the Iraqi delegation for the following shortcomings:
-- General lack of progress in locating Kuwaiti grave sites in Iraq;
-- Failure to obtain information from witnesses to use in searching for Kuwaiti grave sites in Iraq;
-- Failure to convince Iraq to produce potential witnesses per previously stated commitments;
-- Postponing -- without justification -- the March 3 TSC.

¶5. The Kuwaiti delegation took particular offense at a March 10 letter from Iraqi FM Hoshiyar Zebari to the UNSC which claimed that "Iraq has informed Kuwait of the possibility of identifying burial sites in Ramadi, which could contain the remains of more than 12 Kuwaiti prisoners." The Kuwaiti delegation stipulated that no such overture had been made, and demanded that the Iraqi delegation with clarify and support this remark. In response, Iraqi delegation leader Arkan Thamir Saleh (participating in his first TSC) conveyed that the FM's letter was written without Ministry of Human

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Rights coordination and that he could not offer any clarifications.

Navy CAPT Speicher's File Remains Open -----

¶6. Poloff confirmed the USG commitment to keeping open the file of US Navy Captain Michael S. Speicher and thanked the TSC and NCMPA for its continuing efforts to match CAPT Speicher's DNA with that of recovered DNA from exhumation cases.

Comment:

¶7. The embassy-initiated and led desert search for burial sites was warmly received and considered a significant step forward by the TC. Initial indications are that the NCMPA will aggressively pursue excavation of the sites. Though pursuing this matter pertains to Kuwaiti efforts to find the mortal remains of Iraqi "invaders," NCMPA made clear its strategy to leverage efforts -- and hopefully successful repatriations -- to encourage more Iraqi commitment to find and exhume the remains of some 370 Kuwaitis presumed to be in mass graves in Iraq. We believe that any notable progress on this front will enliven the moribund TC process and hopefully spark increased repatriations and improved bilateral cooperation. End comment.

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JONES